IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 4521 of 2007(L)

AGAINST THE ORDER DATED 22/01/2007 IN IA 198/2007 IN OS.938/2001 of ADDL.M.C.,KOTTAYAM
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PETITIONER:

K.K.VASUDEVAN NAMBOOTHIRI,
KAIPPILLI ILLOM, MANGANAM P.O., KOTTAYAM.

BY ADV. SMT.ELIZABETH MATHAI IDICULLA
SRI.MOHAN IDICULLA ABRAHAM
SRI.MARTIN D.ALUMKARA
SMT.PUSHPY B.MURICKEN

RESPONDENTS:
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1. B.UNNIKRISHNAN, ERAVIMANGALATH HOUSE,
MANGANAM KARA, MUTTAMBALAM VILLAGE, KOTTAYAM.

2. N.S.S.KARAYOGAM NO.664,
MANGANAM, KOTTAYAM, REPRESENTED BY ITS PRESIDENT.

BY ADV. SRI.M.C.CHERIAN
SRI.M.A.THOMAS KUTTY
SMT.ASHA CHERIAN
SMT.SARAMMA CHERIAN
SRI.P.M.SANEER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT. P1	**TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE RESPONDENT IN O.S.938/01 BEFORE THE ADDITIONAL MUNSIFF'S COURT, KOTTAYAM.**
EXT.P2	**TRUE COPY OF THE PETITION DTD.7.11.06.**
EXT.P3	**TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER AGAINST EXT.P2 PETITION.**
EXT.P4	**TRUE COPY OF I.A.180/07 DTD.12.1.07.**
EXT.P5	**TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER AGAINST EXT.P4 PETITION DTD.12.1.07.**
EXT.P6	**TRUE COPY OF I.A.198/07 DTD.12.1.07 FILED BY THE RESPONDENT.**
EXT.P7	**TRUE COPY OF THE ORDER IN I.A.180/07 DTD.22.1.07.**
EXT.P8	**TRUE COPY THE ORDER IN I.A.198/07 DTD.22.1.07.**

[True copy]

P.A. to Judge.

M.N. KRISHNAN, J.

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W.P.C. NO. 4521 OF 2007

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Dated this the 26th day of June, 2007.

J U D G M E N T

This writ petition is filed challenging the order of the learned Munsiff in I.A.198/07. It was an application calling upon the District Collector to produce the relevant file which led to the issuance of a certificate of purchase in a suo motu proceedings initiated before the Tribunal as S.M.25/95. The contention of the writ petitioner is that no notice had been issued to him and it is behind his back a certificate of purchase has been obtained. So when such a document is accepted and marked naturally the other side may have to adduce material evidence. In order to facilitate the party to have that advantage it is only just and reasonable to direct the file relating to S.M.25/75 be produced before the Court for appreciation of the matter by the Court

below. Therefore, the order under challenge is set aside. The writ petition is allowed and the learned Munsiff is directed to summon the document as prayed for.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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